

ORDINANCE TO APPROVE AND ADOPT A BOARD OF HEALTH RULE

AN ORDINANCE TO APPROVE AND ADOPT THE RULE ADOPTED BY THE RANDOLPH COUNTY BOARD OF HEALTH TO PROHIBIT THE USE OF TOBACCO PRODUCTS, as defined therein.

The use of tobacco products are prohibited in all of the following:

1. County Government buildings as defined in said rule;
2. In any County Government vehicle;
3. On any County Government grounds as defined in said rule;
4. All other County Government property including, but not limited to:
 - a) County Government Parks Systems including playgrounds and athletic fields;
 - b) Public Transportation;
 - c) County Government Trails and Parks; and
 - d) Polling Places.
 - e) Libraries in the Randolph County Library System and grounds of said libraries.
 - f) County Government buildings and grounds being used for private events.

WHEREAS, the Randolph County Board of Health adopted a rule on February 26, 2019 prohibiting *the use of tobacco products, including e-cigarettes in county government buildings; county government vehicles; county government grounds; and all other property including, but not limited to county government parks systems, playgrounds, athletic fields; public transportation; county government trails and parks; polling places; libraries in the Randolph County Library System and grounds of said libraries; and all county government buildings and grounds being used for private events* for approval by the Randolph County Board of Commissioners;

NOW THEREFORE, BE IT ORDAINED that the Randolph County Board of Commissioners approves and adopts the Board of Health Rule to *Prohibit the Use of Tobacco on Local Government Grounds and in Local Government Buildings and Local Government Vehicles.*

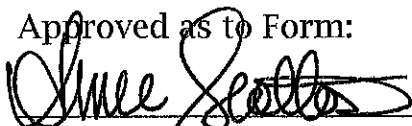
Adopted this 11th day of March, 2019.


Chairperson, Randolph County Board of Commissioners

ATTEST:


Clerk to the Board of Commissioners

Approved as to Form:


County Attorney

RANDOLPH COUNTY BOARD OF HEALTH RULE

A RULE TO PROHIBIT THE USE OF TOBACCO AND TOBACCO PRODUCTS ON RANDOLPH COUNTY GOVERNMENT GROUNDS AND IN RANDOLPH COUNTY BUILDINGS AND VEHICLES

WHEREAS, tobacco is a recognized carcinogen in humans; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are the leading preventable causes of illness and premature death in North Carolina and the nation; and

WHEREAS, health risks associated with the use of tobacco products include myocardial infarction (heart attack), stroke, adverse reproductive outcomes, lung cancer and diabetes; and

WHEREAS, in 2006, a report issued by the United States Surgeon General stated that scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers; and

WHEREAS, in air quality tests, concentrations of secondhand smoke in vehicles have been found to be far greater than in any other micro-environments tested, including smokers' homes, smoke-filled bars, and outdoor air, even with a vehicle's windows open and its fan set on high; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity, and some hazard exists beyond thirty (30) feet; and

WHEREAS, in 2009, the United States Food and Drug Administration (FDA) announced that an analysis of e-cigarette samples indicated that the e-cigarettes contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze; and it has been found that the emitted aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air to the nearby non-user; and

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking in Certain Public Places and Certain Places Of Employment," Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds and in local government vehicles; and

WHEREAS, pursuant to North Carolina General Statute §130A-39(a), a local board of health has the responsibility to protect and promote the public's health and to adopt rules necessary for that purpose; and

WHEREAS, the Randolph County Board of Health is committed to providing a safe and healthy workplace in all local government facilities for local government employees and a safe and healthy environment for the visiting public; and

WHEREAS, the Randolph County Board of Health wishes to minimize the harmful effects of tobacco among Randolph County employees and eliminate secondhand smoke exposure for employees and the public in those buildings, vehicles and grounds controlled by county government in Randolph County; and

WHEREAS, the Randolph County Board of Health finds and declares that, in order to protect the public health and welfare, it is in the best interests of the citizens of Randolph County to adopt a Rule prohibiting the use of tobacco and tobacco products in county government buildings, in county government vehicles and on county government grounds throughout Randolph County.

WHEREAS, the Randolph County Board of Health encourages each municipality in Randolph County to adopt similar protections for its citizens and employees.

NOW, THEREFORE, THE RANDOLPH COUNTY BOARD OF HEALTH ADOPTS THE FOLLOWING RULES:

Section 1. Authority

This Rule is enacted pursuant to North Carolina General Statute 130A-498 and 130A-39(a).

Section 2. Definitions

The following definitions are applicable to this Rule:

- 1) "County Government"—means the County of Randolph, a body politic and corporate and a political subdivision of the State of North Carolina.
- 2) "County Government Building"—a building owned, leased as lessor, or the area leased as lessee and occupied by County Government as herein defined.
- 3) "County Government Grounds"—an unenclosed area owned, leased or occupied by County Government as herein defined. For the purposes of this rule, "County Government Grounds" does not include public streets and the sidewalks abutting said streets.

- 4) "County Government Vehicle"—a passenger-carrying vehicle owned, leased or otherwise controlled by County Government and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official County Government business.
- 5) "Employee"—a person who is employed by Randolph County Government.
- 6) "Local Health Department"—the Randolph County Health Department.
- 7) "Local Health Director"—the administrative head of the Randolph County Health Department appointed pursuant to North Carolina General Statute Chapter 130A.
- 8) "Smoking"—the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product
- 9) "Tobacco Product"—any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
- 10) "E-cigarette"—any electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

Section 3. Areas in Which the Use of Tobacco Products, Including E-cigarettes, is Prohibited

- 1) The use of tobacco products, including e-cigarettes, is prohibited in all of the following:
 - a) In any County Government building.
 - b) In any County Government vehicle.
 - c) On any County Government grounds.
 - d) All other County Government property including, but not limited to:
 - i. County Government Parks Systems including playgrounds and athletic fields;
 - ii. Public Transportation;
 - iii. County Government Trails and Parks; and
 - iv. Polling Places.
 - v. Libraries in the Randolph County Library System and the grounds of said libraries.

- 2) The use of tobacco products, including e-cigarettes, is prohibited in County Government buildings and grounds being used for private events.

Section 4. Signage

- 1) County Government where the use of tobacco and tobacco products is prohibited by this Rule shall post signs that must:
 - a) State in English and Spanish that the use of tobacco products is prohibited.
 - b) Be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.
 - c) Be posted at each entrance to a County Government Building and in other locations within the buildings reasonably calculated to inform employees and the public of the prohibition.
 - d) Be posted on County Government Grounds in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.
- 2) In vehicles where the use of tobacco is prohibited by this Rule, County Government may, in its discretion, post a sign that states "No Use of Tobacco Products" in County Government Vehicles in an area visible to passengers, provided that said placement does not interfere with the safe operation of the vehicle. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.

Section 5. Enforcement and Penalties

- 1) Violations by persons using tobacco products in prohibited areas. Failure to cease using tobacco products in a prohibited area constitutes an infraction punishable by a fine of fifty dollars (\$50.00). A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.
- 2) Sanctions for employees. In addition to any penalty under subsection (1), employees of County Government, as herein defined, who violate this Rule shall be subject to disciplinary action consistent with the Randolph County Employee Policy and Procedure Manual.

Section 6. Effective Date

After adoption of this rule by the Randolph County Board of Health this Rule becomes effective May 1, 2019 or 60 days after the date of adoption, whichever

is later, of this Rule by Ordinance by the Randolph County Board of Commissioners pursuant to North Carolina General Statute 153A-121(a).

Section 7. Abrogation

This Rule is not intended to repeal, abrogate or impair any greater restriction imposed by any other state law or local government ordinance. Wherever the provisions of any other law, ordinance, regulation or restriction impose higher standards than are required by the provisions of this Rule, this Rule does not prohibit enforcement of any such law, ordinance, regulation or restriction.

Adopted this the 26th day of February, 2019.

Charles D. Lee DVM

Dr. Charles Lee, DVM, Chairman
Randolph County Board of Health

ATTEST:

Susan Outtayer

Secretary to the Randolph County
Board of Health